

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles P. Kocoras	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	82 CR 555	DATE	10/30/2000
CASE TITLE	United States of America vs. Louis Charles Sheptin		


[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] **ENTER MEMORANDUM OPINION:** Defendant's Motion (Doc 102-1) for Order Nunc Pro Tunc which corrects Sentence is denied.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	courtroom deputy's initials 	FD-7 FILED FOR DOCKETING 00 OCT 30 PM 4:02	number of notices	Document Number 108
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Bureau of Prisons to review prisoner grievances about the computation of sentences. (Benning Decl. ¶ 4.) Nonetheless, Sheptin asks this Court to issue an order correcting the length of his remaining sentence.

DISCUSSION

The proper avenue to attack the computation or execution of a federal sentence is through a habeas corpus petition under 28 U.S.C. § 2241. See Waletzki v. Keohane, 13 F. 3d 1079, 1080 (7th Cir. 1994); United States v. Love, Nos. 90 C 6715, 90 CR 319, 1991 WL 34640, at *3 (N.D. Ill. Mar. 13, 1991). Habeas petitions pursuant to § 2241 must be filed in the district in which the movant is incarcerated, not in the sentencing court. See United States v. Ferguson, No. 93 C 0736, 1993 WL 313535, at *1 (N.D. Ill. Aug. 17, 1993). Additionally, as a prerequisite to filing § 2241 habeas claims, movants must first submit the claim to the administrative mechanisms provided by the Bureau of Prisons. See United States v. Brumbaugh, 909 F.2d 289, 291 (7th Cir. 1990). Only after exhausting these administrative remedies may movants resort to the federal court to seek credit toward completion of the sentence. See id.

We decline to grant Sheptin's motion because he has failed to exhaust his administrative remedies with the Bureau of Prisons. This matter is not suitable for the Court's review until Defendant exhausts all of his administrative remedies with the Bureau of Prisons. Accordingly, there is presently no "case" or "controversy" required by Article III, Section 2 of the Constitution of the United States of America.

Moreover, even if Sheptin had exhausted his administrative remedies, he has filed his § 2241 motion in an improper venue. The proper venue for his § 2241 motion would be in the Central District of Illinois as Sheptin is incarcerated in a facility in that district.

CONCLUSION

For the reasons set forth above, Defendants' Motion for Order Nunc Pro Tunc Which Corrects Sentence is denied.

A handwritten signature in black ink, reading "Charles P. Kocoras". The signature is written in a cursive, flowing style. The first name "Charles" is written in a larger, more prominent script, followed by "P." and "Kocoras". The signature is positioned above a horizontal line.

Charles P. Kocoras
United States District Judge

Dated: October 30, 2000